

**IN THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION**

IN RE:)	BANKRUPTCY CASE NO. 11-51513
)	
DIANA HOUCK,)	CHAPTER 13
)	
DEBTOR.)	
_____)	
)	ADVERSARY PROCEEDING
DIANA HOUCK,)	NO. 15-05028
)	
PLAINTIFF,)	
)	
V.)	
)	
SUBSTITUTE TRUSTEE)	
SERVICES, INC.,)	
)	
DEFENDANT.)	
_____)	

DEFENDANT’S MOTION FOR VOLUNTARY DISMISSAL OF NOTICE OF APPEAL

COMES NOW Defendant Substitute Trustee Services, Inc. (“Defendant”), by and through its undersigned counsel, and hereby moves this Court, pursuant to Fed. R. App. P. 42(b), to dismiss its *Notice of Appeal* filed on October 20, 2020. In support of its motion, Defendant states the following:

1. On or about October 20, 2020, Defendant filed its *Notice of Appeal* in the above-captioned Adversary Proceeding.
2. Plaintiff Diana Houck (“Plaintiff”) and Defendant have agreed to a settlement in this case.
3. Plaintiff and Defendant (collectively, the “Parties”) will address attorneys’ fees, costs, and expenses in their Settlement Agreement.

4. As a result of the Parties' resolution, Defendant hereby moves to dismiss its *Notice of Appeal* on a voluntary basis.

WHEREFORE, Defendant Substitute Trustee Services, Inc., respectfully requests the Court dismiss its Notice of Appeal.

This, the 3rd day of December 2020.

HUTCHENS LAW FIRM LLP

BY: /s/ Joseph J. Vonnegut
JOSEPH J. VONNEGUT
Attorneys for Substitute Trustee Services, Inc.
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this date this *DEFENDANT'S MOTION FOR VOLUNTARY DISMISSAL OF NOTICE OF APPEAL* was served upon the following parties by depositing a copy enclosed in a postpaid, properly addressed wrapper in a post office or official depository under the exclusive care and custody of the United States Postal Service or via the appropriate electronic servicer:

Plaintiff:

Diana Houck
318 Todd Railroad Grade Road
Todd, NC 28684

Attorney for Plaintiff:

Micheal Shane Perry
Collum & Perry, PLLC
109 West Statesville Avenue
Mooresville, NC 28115

This, the 3rd day of December 2020.

HUTCHENS LAW FIRM LLP

BY: /s/ Joseph J. Vonnegut
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